

Remarks/Arguments

The Examiner is thanked for the courteous telephone interview on July 28, 2005, at which time the below response was briefly discussed.

The rejection of claims 1 – 3, 5 – 17, and 19 – 24 as anticipated under 35 U.S.C. § 102(b) by Spatz *et al.* at Langmuir 16, 407 (2000) is respectfully traversed. As an initial matter, it appears that the Examiner cited the wrong article by Spatz *et al.* in rejecting the claim. Applicant cited two articles by Spatz *et al.*, a year 2000 publication¹, which is cited by the Examiner in his rejection, and a 2002 publication², which is not cited by the Examiner. Spatz *et al.* 2000 discloses nothing about self-assembling the micelles in wells, but deposits the micelles “as a micellar monofilm onto a substrate.”

It is likely the Examiner meant to cite Spatz *et al.* at Adv. Mater. 14, 1827 (2002), which was also cited by applicants. However, as pointed out in applicants' specification, Spatz *et al.* 2002 uses photoresist patterns with an aspect ratio of $a = 0.4\sim 2.7$ (paragraph [0003]). Applicant's claims, however, call for the wells to have an aspect ratio of less than 0.37 (claims 1 and 22) or less than or equal to 0.3 (claim 2). As the Examiner knows, to anticipate a claim, the reference must teach every element of the claim.” MPEP § 2131. Here, however, a critical element is not taught, or even suggested, by either Spatz *et al.* 2000 or Spatz *et al.* 2002.

The rejection of Claim 4 under 35 U.S.C. § 103(a) as unpatentable over Spatz *et al.* is respectfully traversed. The Examiner contends it would be obvious to modify the nanoparticles of Spatz *et al.* as a matter of design choice, but gives no reason as to why one would make that choice. In any event, regardless of whether one uses Spatz *et al.* 2000 or Spatz *et al.* 2002, the Examiner has cited no prior art or rationale for using wells having an aspect ratio of less than 0.37 or less than or equal to 0.3.

The rejection of Claim 18 under 35 U.S.C. § 103(a) as unpatentable over Spatz *et al.* in view of Miner *et al.* is respectfully traversed. Regardless of the use by Miner *et al.* of UV radiation, they do not suggest using wells with an aspect ratio of less than 0.37 or less than or equal to 0.3. Indeed, Miner *et al.* use an aspect ratio of 1.7 (page 222, 2nd column, line 25), thereby teaching away from the invention.

The Commissioner is hereby authorized to charge payment of any fees required associated with this communication or credit any overpayment to Deposit Account No. 50-0337. If an extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-0337. A duplicate copy of this paper is enclosed.

¹ Spatz, J. P., S. Mössmer, C. Hartmann, M. Möller, T. Herzog, M. Krieger, H.-G. Boyen, P. Ziemann, and B. Kabius, Langmuir 16, 407 (2000).

² Spatz, J. P., V. Z.-H. Chan, S. Mößmer, F.-M. Kamm, A. Plettl, P. Ziemann, and M. Möller, Adv. Mater. 14, 1827 (2002).

Applicant believes the claims are in condition for allowance and respectfully solicits a Notice of Allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Berliner', with a long horizontal flourish extending to the right.

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